

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

In re PAOLA R. et al., Persons
Coming Under the Juvenile Court
Law.

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

LORENA C.,

Defendant and Appellant.

B290847
(Los Angeles County
Super. Ct. No. 17CCJP01966A-D)

APPEAL from findings and an order of the Superior Court of Los Angeles County. Stephen C. Marpet, Juvenile Court Referee. Affirmed.

Amy Z. Tobin, under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Peter Ferrera, Principal Deputy County Counsel, for Plaintiff and Respondent.

Karen J. Dodd, under appointment by the Court of Appeal, for the Minor Paola R.

Lorena C. (Lorena), the sole legal guardian of Paola R. (Paola, born July 2000), Junior R. (Junior, born May 2003), Ruben R. (Ruben, born April 2005), and Victor R. (Victor, born Feb. 2007), challenges the juvenile court's findings made regarding her treatment of Paola at the jurisdiction and disposition hearing (Welf. & Inst. Code, § 300).¹

We conclude that the juvenile court's jurisdictional findings are amply supported by substantial evidence and that there is no basis to disturb the dispositional order. Accordingly, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

The family

In 2009, following allegations of abuse and neglect by their mother, Paola, Junior, Ruben, and Victor (the minors) were placed with their aunt, Lorena. In 2010, she obtained sole legal guardianship of the minors, as well as two other older half-siblings, who currently are adults.

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

Thus, in the fall of 2017, the family consisted of Lorena, her husband Juan A. (Juan), who is the minors' maternal uncle, and the minors. Ana A. (Ana), Lorena's daughter who was 20 years old at the time, also resided in the home.

Prior to living in California, the family lived in Colorado.
Circumstances leading to the filing of the juvenile dependency petition

November 13, 2017, Referral

On November 13, 2017, an immediate referral was generated on the hotline, alleging that the four children were victims of general neglect and emotional abuse by Lorena and Juan. The referral alleged that Junior was looking for help for his older sister, Paola, who had been kept at home "locked up" for several years after getting in trouble at school. He reported that Paola wakes up at 4:00 a.m., sits down at the kitchen table, and copies the Bible and works in old textbooks until 5:00 p.m., when the rest of the family returns home. Paola was under surveillance all day and could not use the restroom until Lorena returned home. Paola was only allowed to eat the family's leftover food for her meals. She was not permitted to talk to anyone or leave her seat. Junior reported that he and his brothers were warned not to say anything to anyone or else they too would be pulled out of school. Junior said that he had had enough of the abuse towards his sister, but heard that he would be "pulled out" of school now.

November 13, 2017, Interviews

The Department of Children and Family Services (DCFS) children's social worker Ronald Tigerino (Tigerino) contacted Juan at home. Juan informed Tigerino that the children and Lorena were not home, but would return later. When the social

worker returned, he noted that Paola was present and asked Juan why he had lied to him previously. Juan stated that he did not know that Paola had been left alone in the home. Paola slipped the social worker a note, asking to be interviewed privately.

Paola and Tigerino spoke in the front yard. She explained that she was isolated in the home and could not leave without Lorena accompanying her. Occasionally, Lorena would take Paola with her when she went to her job at Uber Eats. She had been homeschooled since eighth grade because Lorena did not approve of her friends. Paola confirmed that she only ate leftover food, but could prepare a sandwich or quesadilla. Paola explained that she is punished by being forced to sit in a chair all day, getting up at 5:00 a.m., starting her homework, and finishing at 7:00 p.m. She also reported that she is monitored by camera all day; the camera is located in the kitchen. She was required every day to copy 50 pages of the Bible or other books. Paola stated that she was afraid of Lorena, who would be angry with her for speaking with the social worker.

While interviewing Paola, Lorena and the three boys arrived. Lorena agreed to give the social worker some privacy to speak with Paola, but remained standing at the front door. Lorena denied all the reported allegations.

Junior told Tigerino that he had spoken to a counselor at school about Paola. He noted that one of his younger siblings had been sent outside by Lorena to hear his conversation with the social worker and asked to speak privately, fearing that he would be homeschooled like Paola. The social worker agreed to interview him the following day at school.

Both Victor and Ruben told the social worker that all was well in the home.

Two officers from the Pomona Police Department interviewed the minors, but they did not believe that there was any abuse. They just thought that Lorena was “strict.”

November 14, 2017, Referral

A second referral was generated the next day, after DCFS visited and interviewed family members. The referral alleged that after DCFS and law enforcement left the family home the prior day, Lorena became upset, accusing Paola of contacting them. After much screaming and belittling of Paola by Lorena, Junior admitted that he had reported the matter at school. Lorena became upset with Junior and slapped him on the side of the face. She then called him names, such as “backstabber,” “evil,” “drug baby,” “dumbass,” and “stupid.” Lorena informed him that he was no longer a part of the family and excluded him from the bedroom, giving him a blanket and told him to sleep on the floor in the living room along with Paola. She told him that he needed permission before he could use the bathroom. Junior further reported that he was required to sell candy to purchase items of clothing, but Lorena used the money to buy herself Red Bulls and candy. He was afraid of Lorena.

November 14, 2017, Interviews

The social worker went to the family home after receiving a referral that Lorena had slapped Junior after Tigerino had left the home the prior day. Paola was home alone and confirmed the allegations in the second referral.

Paola explained that she had suffered emotional abuse since coming to live with Lorena, who had thrown away all of her family photos and cut her hair to make her look like a boy. Paola

reaffirmed her previous statements about being monitored by a camera while sitting in the kitchen all day doing school work; she was unable to take showers; and she was only allowed to use the restroom twice per day. Paola also told the social worker that Lorena had excluded her from family outings, forced her to do homework on her birthday and holidays, and threatened to separate her from her siblings by sending her to Georgia. Paola was relieved to know that she and her brothers would be removed from the home and placed in foster care.

The social worker interviewed Junior's counselor and assistant principal, who were concerned about Lorena exploiting Junior by requiring him to sell candy. Junior confirmed the allegations in the second referral. He also explained that Lorena had cut Paola's hair so that she would look like a boy and kept her home from school so Paola would not be "sexualized." And, he confirmed that Paola was monitored by a camera, and that she was not allowed to leave the home; she could only sit at the table and do homework.

Ruben confirmed that Paola was treated differently than the boys. Lorena had forbid them from speaking with Paola, and now Junior, and he avoids talking to them because he does not want to anger Lorena.

Protective Custody

On November 17, 2017, the four children were taken into protective custody and placed in three separate foster homes.

Section 300 Petition

On November 21, 2017, a petition was filed on behalf of the minors pursuant to section 300, subdivisions (a), (b), (c), (i), and (j).

Jurisdiction/Disposition Report (Feb. 2, 2018)

January 5, 2018, Interviews

Paola

Paola reported that Lorena had told Ruben to lie to the social workers and tell the social workers that Paola and Junior had lied about the allegations. Paola confirmed the allegations in the section 300 petition.

Lorena told Paola that she would get pregnant or get into drugs if she stayed in regular school. She also stated that Lorena “took 5 years away from me.”

Paola believed that Lorena kept her away from family gatherings because Lorena was afraid that Paola would tell family members what Lorena was doing to her. Some days, she was “invited” to watch television with the family.

Paola was not allowed to go out, and she was not allowed to have friends. While she was allowed to go to the store, she “was never part of the family.” In fact, Lorena told Paola’s brothers that Paola was not a good person; Lorena told Paola that she did not want her near the boys because she did not want her to hurt them or “go against” Lorena. Paola felt like Lorena hated her.

Paola shared that one time Lorena cut Paola’s hair because she did not finish her homework. Another time, Lorena cut her hair again because it attracted too much attention. On a third occasion, Lorena cut her hair because she got head lice from her brothers. Lorena would not let her shower, and then would tell her that she smelled.

Paola was not allowed to sleep in Ana's room because Ana accused her of taking things.

Despite all of the foregoing, three days after she was removed from Lorena, Paola wrote Lorena a letter, telling her how much she loves her. She wanted Lorena to know that she was not mad at her. All she wanted was for Lorena to see her as a daughter.

Paola was afraid of Lorena; Paola reported that she suffers from anxiety. She fidgets a lot and has to use the bathroom frequently.

Junior

Junior reported that Lorena was mean to Paola, called her names, and told Junior that he too was just like his mother. He confirmed the allegations in the section 300 petition. He stated that Victor's bedwetting angered Lorena; she beat him with a belt and put him in a cold shower.

When the family lived in Colorado, Lorena pulled his hair and ear and made him cry.

Ruben was Lorena's favorite.

Lorena slapped Paola's face, cussed her out, and told her that she was going to be just like her mother. Lorena would tell Paola, "You're not my daughter. I don't want to talk to you. And these are my kids," referring to Victor and Ruben. He also reported that he and his brothers were not allowed to talk to Paola, and she was not allowed to talk to them.

Lorena only allowed Paola to shower when she was on her period, even though Paola asked every day. Lorena made Paola wear baggy clothing that did not fit her.

Paola was afraid. She did not smile, and "she would always be crying with tears," but she was never aggressive.

Ruben

Ruben told the social worker that the reason for his placement in foster care was the result of a problem with the long distance between their home and school. Paola was homeschooled because she had gotten into a fight at her traditional school. Paola was sad. She could not go on outings with the family because there was no room for her in the car and she had work to do at home. There was a camera that watched what Paola was doing. He did not think that Paola was treated fairly.

Victor

Victor spoke in a low voice during his interview, and he made little eye contact. He said that he was placed in foster care because Junior had told lies about Lorena.

He said that Paola got pulled out of school after some girls wanted to fight her. When asked about Paola not going on family outings, Victor said that Lorena had told him that Paola did not want to go.

When Victor tried to talk to his sister, Lorena would redirect him to watch television.

February 1, 2018, Interviews

Juan

Juan denied the allegations in the section 300 petition, stating that they were lies. He said that the family problems were mostly financial because he worked long hours and was unable to give the children attention. Initially, he stated that Paola was allowed to do what she needed to do and that the camera was for security purposes due to the location of the home in a bad neighborhood. Later, he explained that the camera was there to see if Paola was doing her work; but, the camera was

“mostly turned off.” “When asked if it was ever the case for the children not to speak to Paola or go near her, [Juan] stated, ‘It was a little like that.’”

He claimed that Lorena only cut Paola’s hair because she had had lice.

When asked if he had “seen any indications that would lead him to believe that Paola was afraid of” Lorena, he replied, “Maybe, but I don’t know why this is being said.” He did not think that Paola had been “emotionally affected.” She would eat with the family and would smile at them. He did not think that Paola was treated differently than the other children. He said that he and Lorena did not compare her to her mother.

Juan denied that the children were forced to sell candy. He denied that Junior had to sleep on the floor. He admitted that Paola did not sleep in the bedroom with Ana because Ana did not want her in her room.

Juan believed that the allegations had been “planned by Junior and Paola.”

Lorena

Lorena denied hitting Junior on the face. She did admit that she had hit him on the top of his head, but said that the “smack” did not hurt him.

She admitted that she was not communicating with the children correctly.

Lorena said that Paola lied about not going on family outings. She said that Paola had no friends because she made a lot of enemies.

Lorena claimed that Paola’s mother had taught Paola to steal. When Paola first came to live with Lorena, Paola would tell her siblings not to listen to Lorena. Lorena claimed that

Paola said things to Lorena that made Lorena mad. She admitted telling Paola that she was just like her mother. Lorena said that Paola did not go with them on outings because there was limited space in the car, and she did not want to go with them.

Lorena admitted that she homeschooled Paola because she did not want Paola to get pregnant. She claimed that Paola had multiple boyfriends in the seventh grade and was stealing.

Lorena stated that Paola could use the bathroom whenever she needed, and that she could bathe. However, she claimed that Paola did not want to shower because she never left the home. She claimed that the camera had been installed as a “scare tactic.” She did not want Paola to give the other children bad advice or instigate problems. She claimed that she had cut Paola’s hair because Paola had lice.

She denied that the children were required to sell candy. She denied that Junior had to sleep on the floor.

Interim Review Report (Apr. 5, 2018)

By April 2018, the dependency investigator noted that Paola had been disclosing less details about what she had experienced in the past. The dependency investigator opined that Paola was experiencing feelings of guilt.

Paola and Junior did not want to attend visits with Lorena and Juan. Paola had been suffering from severe anxiety during her visits with Lorena. The children were seeing each other. And, Paola had been having regular phone contact with her paternal grandmother and aunt as well as her father.

Multidisciplinary Assessment Team (MAT)

A MAT assessment occurred in December 2017 and January 2018. The team determined that all four children had

suffered trauma as a result of Lorena's actions. Although the team had attempted to interview Lorena, efforts to do so were unsuccessful. Paola and Junior did not want to return to Lorena's care. Victor and Ruben wanted to return home.

Regarding Paola, the report noted that she had suffered trauma as a child when she had been removed from her mother's care for abuse and neglect and placed in foster care. She lost contact with her father and his family as well as her mother's family when she was placed with Lorena and the family moved to California. Furthermore, Paola had suffered extreme emotional neglect and abuse by Lorena and Juan for eight years as a result of confinement, surveillance, verbal abuse, threats, forced silence, and segregation from her siblings.

Paola's Forensic Interview (Feb. 9, 2018)

Paola explained that she did not want to talk about certain subjects and events that had occurred because she was trying to move forward. While she did not want to provide many specific details, she did state that Lorena had hit her, slapped her, and pulled her hair in the past; Lorena also threw things at her, like a shoe and a water bottle.

Paola told the interviewer about her homeschool routine.

Paola shared that Lorena did not trust her; Lorena believed that Paola was a bad influence on her brothers so Lorena would not allow her to be alone with them. By the time she was in ninth grade, she felt isolated.

Paola also disclosed that Lorena was "hurtful with her words," by telling her that she was "going to end up just like [her] mom or [that she was] evil, just like [her] mom." She also told her that all she did was hurt people. And, she threw "comments back" at Paola. For example, when Paola was younger, she would

tell Lorena that she did not have to listen to her because she was not her mother. When Paola got older and Lorena knew that Paola wanted her to be her mother, Lorena regularly referred to Paola as her “husband’s niece.”

Paola reiterated her belief that Lorena did not want her. She felt like she was a “bother” to Lorena. Paola stated: Lorena would make comments to her like “as soon as you are eighteen you can leave and I’m going to send you to your dad. And if you’re telling me that, it’s because you don’t want me.” Paola felt like she “was always a burden,” which is why she “was always isolated. That’s why [she] was always left out. She didn’t want me.” So, Paola thought it would be best if she did not return home.

Paola repeated her prior statements about not being included in family holiday celebrations, family dinners, and baby showers. The only time she was included in family outings was when Ana would pay for her to go.

At the current visits, Lorena focused on the two younger boys, ignoring Paola. During the visits, Paola was nervous, anxious, afraid, and fidgeted. After the visits, Paola felt sad.

At the foster care home, Paola felt like she could be a girl. She could wear makeup; she could get her nails done; she could wear her hair as she desired; and she could choose “girly” clothes, in the proper size. She was doing well in school because she worked hard and put in the effort.

Jurisdiction/Disposition Hearing

The juvenile court held the jurisdiction/disposition hearing on June 15, 19, and 20, 2018. After various documents were admitted into evidence, witness testimony began.

Paola's testimony

Paola admitted that she had failing grades in seventh grade and was not "hanging out with the right crowd." She did some bad things in seventh grade.

At home, Lorena would allow her to use the restroom once in the morning and once again before she went to bed. If she needed to use the restroom other than two times, Lorena would sometimes tell her no, or she would tell her to wait. Lorena only allowed her to shower twice a month. Lorena reasoned that because Paola was homeschooled, she did not go outside and get dirty.

Paola confirmed that she was homeschooled, but not registered with the school district. She felt like she was repeating the same material; she used books from her brother or Ana. During her three-and-one-half years of high school, she did not talk to kids other than Ana.

She reiterated her prior statements that Lorena did not allow her to attend family outings.

When Paola was younger, Lorena would discipline her by hitting or slapping her. Lorena hit Paola's brothers too.

Paola was no longer afraid of Lorena.

Finally, Paola confirmed her prior statements that Lorena had installed a camera to record and observe Paola. Paola never stole or took things that were not hers.

Junior's testimony

Junior testified that Paola did lie a couple of times when she was homeschooled, but she did not steal. Lorena told him that the family had no money so he felt he had to sell candy. Lorena told him that if he sold a lot of candy, she would take them to Knott's Berry Farm, but she never did. Instead, she took

the money and bought marijuana. The only time he went to Knott's Berry Farm was when Ana paid.

He testified that Paola spent hours sitting at the table doing work.

He was no longer afraid of Lorena, but he did sometimes experience anxiety.

Lorena's testimony

Lorena testified that she decided to homeschool Paola because she was stealing, vandalizing the school, and was going to get beat up by a group of girls she had gotten in trouble with.

Lorena admitted that Paola was always with her. Junior's testimony about Paola's hours of sitting at the table only occurred in the few months before she was taken away. Lorena claimed that if she was not teaching Paola, then Ana or Lorena's brother, who was attending college, would teach Paola. She claimed that she did not know that she needed to reapply every year for homeschooling.

She asserted that Paola was allowed to use the restroom more than two times per day. The camera was to keep Paola from causing "division" in the house. Paola was trying to "put the kids against [her]."

She admitted to screaming at Paola.

Lorena denied that Paola was not allowed to speak to other children. She claimed that Paola lied when she said that she could not go to family events; Paola did go to the park with the family.

Lorena stated that Paola had tried to contact her since she was detained.

Juan's testimony

Juan testified that sometimes Paola did not go to family events. When the family went to the park, Paola went with them.

He claimed that the camera in the house was to protect the house, to see what was going on in the house.

He testified that Lorena cut Paola's hair because she had lice. He did not tell the other kids not to talk to Paola.

Paola could take showers whenever she wanted.

Ana's testimony

Ana testified that Paola stole personal items from her. She saw Lorena hit Paola in the back of the head.

According to Ana, Paola got up at 5:00 a.m. or 6:00 a.m.

She testified that Paola did not like to shower. Paola wanted to finish her homework before showering. Her hair had been cut because she had lice.

Ana claimed that the camera was in the kitchen so that someone could see Paola. But, the camera was not always on. Lorena was in control of the camera; the children did not have access to it.

Finally, Ana stated that Paola attended family celebrations outside the house.

Juvenile court's jurisdictional findings and dispositional order

After considering all of the evidence and entertaining oral argument, the juvenile court sustained the section 300, subdivision (c)(1), allegation as amended, finding that Lorena created a detrimental home environment for Paola, by emotionally abusing her, isolating her in the home, and not allowing her to socialize outside the home and attend family

outings. “Such conduct on the part of [Lorena] places [Paola] at substantial risk of suffering serious emotional damage as evidenced by severe anxiety, depression, withdrawal, and aggressive behavior toward herself and others.”

Regarding the allegations under subdivision (i), the juvenile court found that the activities that Lorena exhibited—restricting Paola to the home, homeschooling her without appropriate paperwork, having a camera on her all day, restricting her in her ability to shower and go to the bathroom, and preventing her from having “any contact with the outside world literally for 4 years”—amounted to cruelty. In other words, the “totality of the picture” amounted to cruelty under subdivision (i). In so ruling, the juvenile court specifically found that Lorena intended to commit the wrongful acts, and that Lorena’s conduct shocked the conscience of the court.

The juvenile court struck the section 300, subdivisions (a), (b), and (j) allegations. The minors were all declared dependents of the juvenile court pursuant to section 300, subdivisions (c) and (i), and removed from Lorena’s care.

Appeal

Lorena timely appealed.

DISCUSSION

Lorena contends that the juvenile court’s finding that Paola came within the provisions of section 300, subdivisions (c) and (i), were not supported by substantial evidence.

I. Lorena’s appeal is not moot

Paola has already turned 18 years old. Because (1) Paola is now a nonminor dependent (§ 391, subd. (c)(1)), and (2) the juvenile court’s findings might have future consequences (*In re Dylan T.* (1998) 65 Cal.App.4th 765, 769–770) regarding Junior,

Ruben, and Victor, we agree with Lorena that her appeal is not moot.

II. *The juvenile court's jurisdictional findings are supported by substantial evidence*

A. Standard of review

As the parties agree, we review the juvenile court's findings for substantial evidence. (*In re Kristin H.* (1996) 46 Cal.App.4th 1635, 1649.) ““In making this determination, we draw all reasonable inferences from the evidence to support the findings and orders of the dependency court; we review the record in the light most favorable to the court's determinations; and we note that issues of fact and credibility are the province of the trial court.” [Citation.] “We do not reweigh the evidence or exercise independent judgment, but merely determine if there are sufficient facts to support the findings of the trial court. [Citations.]”” (*In re I.J.* (2013) 56 Cal.4th 766, 773.)

B. Section 300, subdivision (c)

Section 300, subdivision (c), provides, in relevant part: “A child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: [¶] . . . [¶] (c) The child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or otherwise, as a result of the conduct of the parent or guardian or who has no parent or guardian capable of providing appropriate care.”

“The statute . . . sanctions intervention by the dependency system in two situations: (1) when parental action or inaction causes the emotional harm, i.e., when parental fault can be

shown; and (2) when the child is suffering serious emotional damage due to no parental fault or neglect, but the parent or parents are unable themselves to provide adequate mental health treatment. [¶] In a situation involving parental ‘fault,’ the petitioner must prove three things: (1) the offending parental conduct; (2) causation; and (3) serious emotional harm or the risk thereof, as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior.” (*In re Alexander K.* (1993) 14 Cal.App.4th 549, 557.) Even if there is no evidence that the child has “actually suffered emotional harm, section 300, subdivision (c) nonetheless applies to a child who is at substantial risk of suffering serious emotional damage.” (*In re D.P.* (2015) 237 Cal.App.4th 911, 919.)

Ample evidence supports the juvenile court’s findings under subdivision (c). For years, Lorena kept Paola isolated by controlling all aspects of Paola’s life—who she could talk to, when she could use the restroom, monitoring her behavior by camera, choosing her clothing for her, forcing her to cut her hair, restricting her from participating in the family activities, requiring her to be “homeschooled” (although not through an approved program) and then forced to sit at the kitchen table for hours every day, and not letting her leave the house without Lorena. Lorena did not even allow Paola to talk to her own brothers. In fact, Paola was not allowed to eat meals with her family members; she had to eat mainly leftovers. In addition, Lorena verbally abused Paola, physically abused her, and threatened to send her away.

All of these actions caused Paola to feel emotionally isolated from her family. Paola felt like Lorena never wanted her

around. Sadly, Paola felt like a burden to the person who was supposed to be her caregiver.

In urging reversal, Lorena contends that the symptoms reported in the MAT assessment were not caused by her conduct, but by the “physical and emotional upheaval she experienced at . . . a vulnerable age,” namely the abuse and neglect she suffered by her birth mother and the loss of contact with other family members in Colorado. We are not convinced.

Certainly, Paola experienced trauma when she was removed from the care of her biological mother. But the trauma continued after she began living with Lorena and Juan. As noted in the MAT report, Paola “experienced extreme emotional neglect and abuse from [Lorena and Juan], including confinement in the home and denial of attending public school, socialization with peers, verbal abuse/name calling, body shaming, verbal threats to be sent away, excessive religiosity . . . , forced to ask permission to perform routine personal care and grooming,[] she was held in a locked home without an open ability to unlock doors and leave the premises for long periods of time, consumption of previously prepared meals for several days . . . while others were allowed to eat meals fresh[]y prepared, forced silence and segregation from her siblings that resided in the home with her (used as a form of punishment), and being forced to sit in one spot of the home for several hours in a day without an ability to move until instructed to do so by [Lorena].” As a result of Lorena’s actions, Paola suffered from numerous symptoms, including “nausea, headaches, sweaty palms, racing heart rate, racing and intrusive thoughts, increased hypervigilance, difficulty staying asleep during normal bedtime hours, and flashbacks of past negative occurrences.” We conclude that these symptoms do reflect serious

emotional damage envisioned by section 300, subdivision (c). And, even if they do not, certainly there was a substantial risk of Paola suffering serious emotional damage. (*In re Matthew S.* (1996) 41 Cal.App.4th 1311, 1320.) It follows that the juvenile court rightly sustained the allegations against Lorena pursuant to section 300, subdivision (c).

C. Section 300, subdivision (i)

Section 300, subdivision (i), provides, in relevant part: “A child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: [¶] . . . [¶] (i) The child has been subjected to an act or acts of cruelty by the parent or guardian or a member of his or her household, or the parent or guardian has failed to adequately protect the child from an act or acts of cruelty when the parent or guardian knew or reasonably should have known that the child was in danger of being subjected to an act or acts of cruelty.”

“Thus, jurisdiction under section 300, subdivision (i) is appropriate in two situations: The first is where the parent, guardian, or member of the household has directly subjected the child to an act or acts of cruelty. The second is where the parent or guardian has failed to protect the child from acts of cruelty by others. We are concerned with only the first situation.” (*In re D.C.* (2011) 195 Cal.App.4th 1010, 1014–1015.)

“‘[A]cts of cruelty’ . . . are intentional acts that directly and needlessly inflict extreme pain or distress. They might be described, as one source suggests, as acts that produce a shock of conscience. [Citation.]” (*In re D.C., supra*, 195 Cal.App.4th at p. 1017.)

“[J]urisdiction is appropriate under the direct-infliction prong of section 300, subdivision (i) where a parent intends to commit the act notwithstanding the absence of evidence that the parent actually intended to harm the child. Whether the acts are acts of cruelty is a separate factual determination that the juvenile court makes based upon the common meaning of the phrase and the totality of the child’s circumstances. [Citation.]” (*In re D.C., supra*, 195 Cal.App.4th at p. 1017.)

In other words, “in order to take jurisdiction under section 300, subdivision (i), the juvenile court must find that the parent intended to commit the act. Whether the act is an ‘act of cruelty’ is a factual question that does not require a finding that the parent specifically intended to cause harm.” (*In re D.C., supra*, 195 Cal.App.4th at p. 1018.)

Ample evidence supports the juvenile court’s finding that Lorena’s acts amounted to acts of cruelty inflicted upon Paola. She denied her socialization, kept her seated at the kitchen table under threat of surveillance, prohibited her from using the bathroom when she wanted or needed, and subjected her to verbal insults and taunts, all of which made Paola feel unwanted and unloved. As the juvenile court expressly noted, Lorena’s conduct of “isolating” Paola and “putting her in a position of opposition with her” siblings “shock[ed] the [conscience] of the court.” It follows that the juvenile court’s findings under section 300, subdivision (i), are supported by substantial evidence.

III. *The dispositional order is affirmed*

Lorena's sole basis for challenging the dispositional order is the alleged insufficiency of the evidence to support the juvenile court's jurisdiction. Because substantial evidence supports the jurisdictional findings, the juvenile court's dispositional order need not be disturbed.

DISPOSITION

The juvenile court's findings and order are affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, Acting P. J.
ASHMANN-GERST

We concur:

_____, J.
CHAVEZ

_____, J.
HOFFSTADT